

FIRST REGULAR SESSION

SENATE BILL NO. 98

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0082S.011

AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for qualified hybrid motor vehicle purchases.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.114, to read as follows:

143.114. 1. As used in this section, the following terms mean:

- (1) "Director", the director of the department of revenue;**
- (2) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;**
- (3) "Qualified hybrid motor vehicle", any motor vehicle licensed under chapter 301, RSMo, and:
 - (a) Which meets the definition of new qualified hybrid motor vehicle in section 30B(d)(3)(A) of the Internal Revenue Code of 1986, as amended;**
 - (b) The original use of which commences with the taxpayer; and**
 - (c) Which is acquired for use by the taxpayer and not for resale.****

2. For all tax years beginning on or after January 1, 2010, any taxpayer who purchases a qualified hybrid vehicle shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income, for the tax year in which the taxpayer purchases the vehicle, an amount equal to two thousand dollars or ten percent of the purchase price of the vehicle, whichever is less.

3. The director shall establish the procedure by which the deduction in this section may be claimed, and shall promulgate rules to provide for the submission of documentation by the taxpayer proving

22 the purchase price and date of purchase of the qualified hybrid motor
23 vehicle and to implement the provisions of this section.

24 4. Any rule or portion of a rule, as that term is defined in section
25 536.010, RSMo, that is created under the authority delegated in this
26 section shall become effective only if it complies with and is subject to
27 all of the provisions of chapter 536, RSMo, and, if applicable, section
28 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
29 and if any of the powers vested with the general assembly pursuant to
30 chapter 536, RSMo, to review, to delay the effective date, or to
31 disapprove and annul a rule are subsequently held unconstitutional,
32 then the grant of rulemaking authority and any rule proposed or
33 adopted after August 28, 2009, shall be invalid and void.

34 5. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

35 (1) The provisions of the new program authorized under this
36 section shall automatically sunset on December thirty-first six years
37 after the effective date of this section unless reauthorized by an act of
38 the general assembly; and

39 (2) If such program is reauthorized, the program authorized
40 under this section shall automatically sunset on December thirty-first
41 twelve years after the effective date of the reauthorization of this
42 section; and

43 (3) This section shall terminate on December thirty-first of the
44 calendar year immediately following the calendar year in which the
45 program authorized under this section is sunset.

Copy ✓